

JACQUELINE TIRINNANZI
Nevada Bar No. 13266
jackie@tirinnanzilaw.com
TIRINNANZI LAW PLLC
2370 Corporate Circle, Suite 190
Henderson, Nevada 89074
Telephone: 702.912.3834
Attorney for Alejandra Enriquez-Atunez

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff

vs.

ALEJANDRA ENRIQUEZ-ATUNEZ,
Defendant

CASE NO. 2:21-CR-00169-CDS-BNW

Stipulation to Continue Sentencing (Third Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney for the District of Nevada, and Kimberly Sokolich, Assistant United States Attorney, and Jacqueline Tirinnanzi, counsel for Defendant Alejandra Enriquez-Atunez, that the sentencing hearing currently scheduled for May 22, 2023, at 10:0 a.m. (ECF No. 118) is continued for no sooner than 45 days, to a date and time convenient to this Court. This stipulation is made and based upon the following:

1. Ms. Enriquez Atunez entered a change of plea on November 3, 2022, pleading guilty to one count of Conspiracy to Distribute a Controlled Substance under 21 U.S.C. §§ 846, 841(a)(1), 841(b)(A)(viii) ad (b)(1)(C). ECF No. 89.

2. Ms. Enriquez Atunez is out of custody and agrees to the continuance. To date, there have been no pretrial violations filed against Ms. Enriquez-Atunez.
3. Defense Counsel's ability to effectively and thoroughly explore all factors relevant to Ms. Enriquez Atunez's sentencing and mitigation presentation requires additional time for the following reasons. Counsel was preparing for the upcoming sentencing with her client on March 8, 2023 when she was made aware of serious information relating to the client, which was new information to Counsel, despite her best efforts to proactively explore all factors relevant to the client's sentencing in a timely manner. As a result, Counsel required additional opportunity to obtain specific professional expertise to evaluate the newly discovered information. Counsel believes that a professional evaluation relating to said information is required to provide competent, effective representation for her client.
4. Since March 8th, an expert evaluation was conducted, but additional follow-up with Counsel and client are necessary at this time to ensure accurate representations are made to this Court. A 45-day continuance would allow adequate time for follow-up and will also permit adequate time for the Government to review said findings prior to sentencing.
5. This is the third request for a continuance of the sentencing hearing.
6. The additional time requested herein is sought in good faith and not for purposes of delay.
7. The additional time requested by this stipulation is reasonable pursuant to Fed. R. Crim. P. 32(b)(2), which states that the "court may, for good cause, change any time limits prescribed [for sentencing] in this rule." Furthermore, a delay in

1 sentencing does not implicate or undermine the defendant's speedy trial rights
2 under the United States Constitution, which terminated upon conviction. *See*
3 *Betterman v. Montana*, 136 S.Ct. 1609, 1617-18 (2016).

- 4 8. Denial of this request for continuance would deny counsel for Ms. Enriquez
5 Atunez sufficient time to effectively and thoroughly prepare for sentencing, taking
6 into account due diligence. Accordingly, a denial of this request for continuance
7 could result in a miscarriage of justice.
8

9
10 Dated this 15th day of May 2023.
11

12
13 /s/Kimberly Sokolich
14 Assistant U.S. Attorney
15 Counsel for the United States

/s/Jacqueline Tirinnanzi
Counsel for Alejandra Enriquez Atunez

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff

vs.

ALEJANDRA ENRIQUEZ-ATUNEZ,
Defendant

CASE NO. 2:21-CR-00169-CDS-BNW

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

FINDINGS OF FACT

Based on the pending stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Ms. Enriquez Atunez entered a change of plea on November 3, 2022, pleading guilty to one count of Conspiracy to Distribute a Controlled Substance under 21 U.S.C. §§ 846, 841(a)(1), 841(b)(A)(viii) and (b)(1)(C). ECF No. 89.
2. Ms. Enriquez Atunez is out of custody and agrees to the continuance. To date, there have been no pretrial violations filed against Ms. Enriquez-Atunez.
3. Defense Counsel's ability to effectively and thoroughly explore all factors relevant to Ms. Enriquez Atunez's sentencing and mitigation presentation requires additional time for the following reasons. Counsel was preparing for the upcoming sentencing with her client on March 8, 2023 when she was made aware of serious information relating to the client, which was new information to Counsel, despite her best efforts to proactively explore all factors relevant to the client's sentencing in a timely manner. As a result, Counsel required additional opportunity to obtain specific professional expertise to evaluate the newly discovered information.

Counsel believes that a professional evaluation relating to said information is required to provide competent, effective representation for her client.

4. Since March 8th, an expert evaluation was conducted, but additional follow-up with Counsel and client are necessary at this time to ensure accurate representations are made to this Court. A 45-day continuance would allow adequate time for follow-up and will also permit adequate time for the Government to review said findings prior to sentencing.

5. This is the third request for a continuance of the sentencing hearing.

6. The additional time requested herein is sought in good faith and not for purposes of delay.

7. The additional time requested by this stipulation is reasonable pursuant to Fed. R. Crim. P. 32(b)(2), which states that the “court may, for good cause, change any time limits prescribed [for sentencing] in this rule.” Furthermore, a delay in sentencing does not implicate or undermine the defendant’s speedy trial rights under the United States Constitution, which terminated upon conviction. *See Betterman v. Montana*, 136 S.Ct. 1609, 1617-18 (2016).

8. Denial of this request for continuance would deny counsel for Ms. Enriquez Atunez sufficient time to effectively and thoroughly prepare for sentencing, taking into account due diligence. Accordingly, a denial of this request for continuance could result in a miscarriage of justice.

ORDER

Based upon the stipulation of the parties, and good cause appearing, it is hereby ORDERED that Ms. Enriquez Atunez's sentencing hearing currently scheduled for May 22, 2023, at 10:00 a.m., is VACATED.

IT IS FURTHER ORDERED that the sentencing hearing is reset for July 13, 2023, at the hour of 10:00 a.m. in LV Courtroom 6B before Judge Cristina D. Silva.

DATED: 5/15/2023



THE HONORABLE CRISTINA D. SILVA
UNITED STATES DISTRICT JUDGE